

The Notice of Non-Responsive Reply requests that Applicant check the claims in the instant application and copending Application Nos. 10/374,523 and 10/678,653, and present claims in each of the applications that are patentably distinct. Applicant submits that whether the claims in the copending applications are patentably distinct should not be a factor in determining the responsiveness of the Reply. In the previous Office Action, the rejections set forth with regard to copending Application Nos. 10/374,523 and 10/678,653 were provisional double patenting rejections. Applicant addressed these provisional double patenting rejections in the Reply by requesting their withdrawal, because when, as in the instant application, provisional double patenting rejections are the only rejections remaining in an application, the provisional rejections should be withdrawn and the application allowed to issue. See MPEP 804(I)(B). Thus, the Reply addresses each of the grounds of rejection stated in the previous Office Action, and therefore the Reply is responsive.

The Notice also requests that Applicant address the outstanding Office Action in Application No. 10/374,523, so that it may be placed in condition for allowance before the instant application is acted on by the Examiner. Applicant submits that there is no basis for requiring an allowance in Application No. 10/374,523 before the instant application can be acted on by the Examiner. Further, Applicant submits that the allowability of Application No. 10/374,523 should not be a factor in determining the responsiveness of the Reply. Since each of the grounds of rejection stated in the previous Office Action is addressed in the Reply, the Reply is responsive.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application, withdrawal of the Notice, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Roland G. McAndrews
Reg. No. 41,450